

### 13 CSR 35-73.030. Personnel Practices and Personnel

*PURPOSE: This rule sets forth the requirements for child abuse/neglect, medical examinations, personnel records, job descriptions and staff orientation.*

#### (1) *Personnel Practices.*

(A) An agency shall have a written statement of personnel practices, approved by the governing board, which shall be furnished to all employees at the time of employment.

(B) The personnel policies shall be reviewed annually and updated as necessary by the agency.

1. Personnel policies will include, but not be limited to:

a[A]. Hiring and termination procedures;

b[B]. Description of employment benefits, including, but not limited to, paid vacation, sick leave, holidays, leaves of absence, retirement plans, insurance (malpractice, health, liability);

c[C]. Provision of annual evaluations of work performance;

d[D]. Provision for staff development through in-service training and continuing education;

e[E]. Provision for addressing concerns, disagreements, and grievances of staff;

f[F]. Probationary status;

g[G]. Agency chain of command; and

h[H]. Employment outside the agency.

2. Job descriptions shall be established in writing for all positions.

(C) The agency shall investigate and evaluate employment application information carefully to determine whether employment of an applicant is in the best interests of the children and clients served.

1. No person who has served as a member of the governing board, administrator, or other officer of an agency that has failed to secure a license to operate as a child placing agency shall be employed by, licensed by, or associated with a licensed child placing agency for a period of two (2) years after termination or cessation of that illegal operation.

2. No person, administrator, or other officer of an agency which continued in operation after having knowledge of the revocation or suspension of the agency's license shall be employed by or associated with a licensed agency for a period of two (2) years from cessation of the illegal operation.

3. The division may waive provisions of 13 CSR 35-73.030(1)(C)1. and 2. if it is shown that the person had no knowledge of or had no reason to know the operation was illegal. Such a waiver must take place before the employee is hired or a request for a waiver shall be submitted to the division within thirty (30) days after it is discovered that an ineligible person has been employed.

(D) The agency shall require that each [employee secure and provide to the agency an annual criminal records check from a state law enforcement agency] **individual associated with the agency who is required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 and 13 CSR 35-73.035 successfully complete the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.**

(E) Prior to the employment of any person for a position requiring credit hours and/or a degree from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the agency.

(F) An agency shall secure the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references; employer references for each staff person from all previous employers within the last five (5) years, and a history of any previous employment in child placing or child caring settings. All references shall be documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact.

*(2) Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks.*

(A) **After the Background Checks have been completed** [T]the agency shall request from the division an annual check of the **Family Care Safety Registry and the Child Abuse and Neglect Central Registry Unit** to determine whether a child abuse and/or neglect report has been received on staff members, **employees**, contracted personnel, and volunteers working directly with children. [The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment, and annually thereafter.] Results of the checks shall be on file at the agency.

(B) The agency shall require each staff person to read and sign a statement defining child abuse and neglect and outlining responsibilities to report all child abuse and neglect incidents as required by Chapter 210, RSMo.

*(3) Medical Examinations.*

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest x-ray, or appropriate follow up of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to work with children or families or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

*(4) Personnel Records.* Personnel records shall be maintained for each staff member and shall include:

(A) Verification of education and experience;

(B) Verification of character references from three (3) persons, unrelated to the staff member;

(C) Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;

- (D) A copy of the job description signed by the employee;
- (E) Reports of initial and subsequent physical examinations;
- (F) Results of annual checks of the CA/N CRU;
- (G) The date of employment, date and reason(s) for termination of employment;
- (H) Copies of an initial six- (6-) month performance evaluation and each subsequent annual evaluation;
- (I) Results of the annual criminal records check;
- (J) A signed and dated statement by the employee that written personnel policies were received and reviewed; and
- (K) Documentation of orientation and annual staff training.

(5) *Job Descriptions.* An agency shall establish a written job description for each position, which shall be made available to the employee at the time of employment. Each description shall describe the duties and responsibilities of the position, address supervision, required knowledge, skills, and abilities, minimum experience, educational requirements, and shall include examples of work performed.

(6) *Staff Orientation.* Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to--

- (A) Agency philosophy and history;
- (B) Agency policies;
- (C) Agency staff roles;
- (D) The family's role in the child's care and the worker's role and responsibilities in relation to the family;
- (E) Complete description of the agency's program model;
- (F) Record keeping requirements;
- (G) **The laws and procedures governing the [C]confidentiality of information and records;**
- (H) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with [sections 210.110 - 210.165, RSMo](#); and
- (I) Review and discussion of state licensing rules.

(7) *Staff Development.*

- (A) An agency shall establish and submit to the licensing unit an annual written plan for at least twenty (20) hours of training each year for the administrator and professional staff.
- (B) All training must be documented with the dates, location, the subject and the name of the person(s) who conducted the training.
- (C) The training may include, but not be limited to, short-term courses, seminars, institutes, workshops, and in-service training provided on-site by qualified professionals.
- (D) Staffings and supervisory conferences will not count toward training hours.
- (E) The training plan shall include, but not be limited to:
  - 1. Developmental needs of children;
  - 2. The direct care and professional staff roles in the facility;

3. Specific requirements of the applicable laws relating to adoption that effect the performance of their duties, as well as local court rules;
4. Trans-racial and cross-cultural placement;
5. Cultural diversity;
6. Separation and attachment issues;
7. Conducting a family assessment; [and]
8. Adoption-related training, if agency provides such service;
- 9[A]. Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA);
- 10[B]. Adoption subsidy;
- 11[C]. International adoptions;
- 12[D]. Adoption search issues;
- 13[E]. Adoption risk issues;
- 14[F]. Post-placement services; and
- 15[G]. Post-legal adoption services.

(8) The agency shall maintain, for a period of at least five (5) years, the personnel records of an employee who leaves the agency.

### **Credits**

*AUTHORITY sections 207.020, 210.493, 210.506, 210.1286 and 660.017, RSMo [2016].\**

*\* Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 660.017, RSMo 1993, amended 1995.*

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